

**CITY OF MILPITAS  
UNAPPROVED**

**PLANNING COMMISSION MINUTES**

**August 25, 2004**

**I.  
PLEDGE OF  
ALLEGIANCE**

**Chair Lalwani** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Lalwani, Galang, Garcia, Giordano, Mohsin and Sandhu  
Absent: None  
Staff: Carrington, Cuciz, Heyden, Lindsay and Armendariz

**III  
PUBLIC FORUM**

Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

**IV.  
APPROVAL OF MINUTES  
August 11, 2004**

Chair Lalwani called for approval of the minutes of the Planning Commission meeting of August 11, 2004.

There were no changes from staff.

**Motion** to approve the minutes.

M/S: Giordano/Galang

AYES: 6

NOES: 0

**V.  
ANNOUNCEMENTS**

**James Lindsay, Acting Planning Manager**, acknowledged Tambri Heyden for covering several meetings during his vacation.

**Commissioner Sandhu** spoke on behalf of the SIKH foundation and thanked all residents who attended the Milpitas Cultural Night on August 21<sup>st</sup>. He stated that this event was a wonderful success due to the goodwill of City of Milpitas and residents.

**Vice Chair Garcia** requested an item to be put on the next agenda to consider changing the meeting night of the Planning Commission from Wednesday to Thursday evenings. Mr. Lindsay will agendaize this item for the meeting on September 8<sup>th</sup>.

**VI.  
APPROVAL OF  
AGENDA**

Chair Lalwani called for approval of the agenda.

There were no changes from staff.

**Motion** to approve the agenda.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**VII.  
CONSENT CALENDAR  
Consent Item Nos. 1 and 2**

Chair Lalwani opened the public hearing on Consent Item Nos. 1 and 2.

Mr. Lindsay stated that there are no changes, however, he noted that a letter was received and staff prepared a cover memo that was distributed to the commissioners that addresses the letter. This issue was brought up before, and the City Attorney's office determined that it is not a City issue and the application was processed legally and properly. This happens to be a consistent dispute between the property manager and the landlord.

There were no speakers from the audience.

**Close Public Hearing**

**Motion** to close the public hearing on Consent Item Nos. 1 and 2.

M/S: Sandhu/Giordano

AYES: 6

NOES: 0

**Motion** to approve the consent calendar on Consent Item Nos. 1 and 2.

**\*1 SIX-MONTH REVIEW (PR2004-7) OF USE PERMIT AMENDMENT NO.**

**UA2003-4:** A six-month review of Use Permit Amendment No. UA2003-4 for the addition of live entertainment, full alcohol sales and extended hours of operation to an existing restaurant (Royal City) located at 90 South Abel Street (APN: 022-24-045), zoned Mixed Use (MXD). Applicant: Young Thai. Project Planner: Staci Pereira, (408) 586-3278. (PJ# 2316) (*Recommendation: Note Receipt and File*)

**\*2 SIX MONTH REVIEW OF FOUR (4) RESTAURANTS AT CRESCENT SQUARE (PR2004-3, 4, 5 and 6):**

A six month review of four restaurants at Crescent Square shopping center to verify compliance with conditions of approval related to odor generation and waste handling issues, zoned neighborhood commercial (C-1) (APN: 022-02-049). The restaurants include the following: 1) Thai Town at 1783 North Milpitas Boulevard, Use Permit No. 1537, 2) China First Express at 1741 North Milpitas Boulevard, Use Permit No. 1566, 3) Quizno's at 1735 North Milpitas Boulevard, Use Permit No. 1551 and 4) Kang Nam Tofu House at 1747 North Milpitas Boulevard, Use Permit No. 1547. Project Planner: Troy Fujimoto, (408) 586-3287. (PJ#'s 2195, 2227, 2379 and 2382) (*Recommendation: Note Receipt and File*)

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**VIII.  
PUBLIC HEARING**

**3. REVIEW OF  
STREETSCAPE PLANS  
FOR MAIN AND ABLE  
STREETS:**

Proposed enhancements to the landscaping, sidewalks, street furniture and lighting for Main Street between Railroad Court and Curtis Avenue and for Abel Street between Weller Lane and Great Mall Parkway. Project Planner: James Lindsay (408) 586-3274. *(Recommendation: Recommend the City Council Approve the Streetscape Design)*

James Lindsay, Acting Planning Manager, presented a Review Of Streetscape Plans For Main And Able Streets. He stated that his introduction would be followed by a presentation by Greg Tung, the City's design consultant. He acknowledged that several letters were received regarding community input. There was notification to business and property owners for a meeting that was held on August 18<sup>th</sup> to review the plans, which enabled staff to engage with property owners who have specific concerns. The design was well received from the community and a number of concerns were noted.

Chair Lalwani noted that the commission had just received letters from the community this evening, not giving adequate time for review of their concerns. Mr. Lindsay stated that he would try to illustrate their concerns in his presentation. He noted that after staffs' presentation and through public comment, there should be enough information for the Commission to make a recommendation.

Mr. Lindsay displayed a map of the Midtown Area and reviewed the Specific Plan policies related to the Main and Able streetscapes. He explained that staff is working with a team of consultants to renovate the streetscapes along Main and Able Streets. The design envisioned for Able Street is a lush landscaped boulevard making it a more pleasant place to drive, whereas Main Street would be more of a pedestrian environment. The current bike lanes on Main Street would be moved to Able Street, which would open up street parking for businesses.

Mr. Lindsay presented the design concepts for Able Street. Able Street currently does not have landscape medians. He explained that there are many boulevards throughout the County with successful retail businesses and landscape medians, where people do not have left turn access into businesses. Mr. Donovan, owner of the Serra Center, raised a concern over the potential preclusion of a left turn lane into the Serra Center from Able Street. Mr. Donovan provided letters to the commission and staff met with him to talk about traffic movements into Serra Center. Staff agreed to conduct some traffic modeling and will report back to Mr. Donovan and his consultant. Staff is committed to work with businesses to find a win-win solution. Mr. Lindsay reminded the commission that this is not necessarily a final plan. There will be continuing progress reports to the commission and City Council. He is asking the commission to look at the design concepts and hopefully will they have enough information this evening to make a recommendation to the City Council.

**Greg Tung, Friedman, Tung & Bottomly Urban Design**, presented the streetscape concepts for Main Street. He stated that the plan will help fulfill and implement the first phase of the Midtown Specific Plan, which is part of a revitalization effort and fulfills the vision for Main Street. This design supports the idea of arriving at a special place. He reviewed special features including decorative lighting, benches, bus shelters, trash receptacles and tree grades and guards. He also reviewed the best types of trees to be used in the area and presented various gateway landmark features for future consideration by the public and city officials.

**Commissioner Giordano** noted that the plan is broad based and conceptual and asked why it took a year to develop. Mr. Tung responded that there were a number of components involved including civil engineering design work as all utilities will go underground. Even though it has been a year, the concept is essentially set to begin due to the extensive amount of research already completed. The city will need to determine how to proceed and a follow up team could take the design forward and go to construction very quickly. The only parts not completed are the gateway elements and construction documents, which would need to be executed for a bid. Mr. Lindsay reiterated the fact that staff had to deal with the underground issues first. He noted this is still considered conceptual, however, staff had to go through a systematic process and look at different constraints within the area, although everything is still subject to change. Mr. Tung gave an example that there were not any maps for underground areas and they needed to use ground-penetrating radar to find concrete slabs, which are areas where tree planting should be avoided.

Commissioner Giordano stated the need to understand the Commission's charge and duty as this was the first time she had seen this plan. She was unable to attend the recent community meeting. She has questions and is concerned about making a quick decision this evening. Mr. Lindsay stated that staff is hoping that the Commission can review and comment on the streetscape design this evening. He noted that this is an implementation effort. Normally the Commission would receive capital projects once a year, however, this project is Midtown related. There is an opportunity to forward the Commissioner's comments to the City Council and get final direction from them before the final design phase. He clarified that the project will not be implemented all at once. Commissioner Giordano noted that the original plan for the Midtown core had a park and she does not see this here. Mr. Tung responded that this design only focuses on the street design. Mr. Lindsay noted that Mr. Tung's firm is also working on the Town Square component and the precise plan which is a coordinated development effort within the core area. What the Planning Commission will see in a couple months is a draft set of policies of how to work in that precise plan area where the Town Square is envisioned. The Town Square would be in the vicinity of Serra and Main so the intersection could possibly serve as an entryway to some type of public plaza or open green space. It could be privately owned, but would be an amenity for everyone to use. Staff is still working out the details.

Commissioner Giordano asked about the height of the trees that will be planted along Main Street. Mr. Tung noted that the trees will be 15 feet high, however, in a few years the trees will grow to over 25 or 30 feet. The species they are recommending would be a locust, which grows quickly. Commissioner Giordano noted that a number of design options were presented for landmarks and asked if these will be selected sometime later. Mr. Tung responded that these ideas are being presented as part of the entry sequence. The Commission may comment on those they have seen this evening and would be useful for staff to take forward. Commissioner Giordano asked if the gateway elements were reviewed at the community meeting. Mr. Tung stated that he did not receive any specific input on landmarks. Mr. Lindsay stated that staff provided a brief summary of concerns from the community meeting the staff report and the landmarks were not one of their concerns from the meeting. The community concerns were related to implementation of the plans and median locations on Able Street. He noted that staff realizes the gateway features are important to the community and will require more public feedback, as well as feedback from the Arts Commission. The Commission can comment this evening and this is something that will come back to the Commission to look at for further refinement.

Commissioner Giordano asked if the trees presented a maintenance problem. Mr. Tung responded that the trees will require maintenance. Whenever there are streetscape amenities, maintenance will increase and this would create the need for a coordinated maintenance program. Mr. Lindsay noted that at the community meeting, people recognized that maintenance obligations would clearly increase with the amenities that are being proposed and there would be a need to look at how additional maintenance costs could be paid. These issues are still to be worked out with the City Council and staff is looking at different funding opportunities to maintain a streetscape like this. The details of this plan were reviewed with maintenance staff. Originally there was a different species for the street trees, but maintenance staff provided feedback about maintenance issues and the tree species was changed. For instance, Sycamore trees tend to clog storm drains due to their large leaves. Commissioner Giordano asked if were minutes taken at the community meeting that would have the names of those in attendance. Mr. Lindsay stated that he has a roster and the consultant did take notes. Commissioner Giordano clarified that this was the first time any of the owners had a chance to look at the plans. Mr. Lindsay said yes.

Vice Chair Garcia congratulated staff and the consultants on their work and stated that he thinks this is a good plan. He noted that many of the amenities look like they are commercially available which is good for future replacement needs. He asked if there will be overhead wires in the area. Mr. Lindsay said that all overhead utilities will be underground. Vice Chair Garcia asked if the entire Midtown area utilities would be underground. Mr. Lindsay stated that the utilities in the entire area would not be underground, only those with streetscape development such as Main and Able Streets. All of Main Street will be within the undergrounding district. Vice Chair Garcia stated his concern about the timing of the development. Mr. Lindsay stated that KB Homes has submitted a proposal to build homes along Able Street and the Able Street renovation would occur first from the north end southward to be complete once homes are for sale. The timeframe would be 18 to 24 months. The first phase of the Main Street renovation would be between Weller and Carlo and would coincide with construction of the new library, which is a 4-year timeframe. Vice Chair Garcia asked if the first evidence of completed development would be within 1 to 1 1/2 years with final implementation 6 to 7 years out all the way to the Jain Center. Mr. Lindsay said that there is no identified RDA funding to develop the complete section of Main Street all the way to the Jain Center. Once there is more development on Main Street and the City begins to receive tax increment money, they can start thinking about developing further down Main – at this point the timing is too speculative to suggest a date.

**Commissioner Galang** asked about the proposal to put an island at Calaveras and Serra that would have palm trees. He also asked if there would be an island in the area of Main coming from Weller and if there would be an island near Curtis. Mr. Tung responded that they are proposing a short island in the center north of Curtis. Commissioner Galang asked what would happen to the existing trees and where new lights would be placed. Mr. Tung noted that the trees would be replaced and lights would be centered between the trees. Commissioner Galang stated his concern about safety at the pedestrian crossing and asked if there would be speed bumps. Mr. Tung noted that there will be a series of different strategies that will slow down traffic, such as one lane in each direction and keeping the street narrow, along with the bulb out approach of the sidewalk at intersections. They looked at the issue of other traffic calming measures and do not want to treat the area like a parking lot by putting in speed bump. **Raul Laborin from Nolte Associates**, stated that the overall project creates a traffic-calming environment.

Commissioner Galang asked about angled parking. Mr. Tung stated that the space is too restrictive.

Commissioner Sandhu asked about the implementation schedule and if private property owners will be encouraged to develop their property simultaneously. Mr. Lindsay stated that staff is hopeful that this will inspire property owners to work on their property to have consistent storefronts and this is showing property owners that high quality is expected. Also, this should make a further incentive to property owners and developers to invest in this area. Commissioner Sandhu asked about the area beyond Montague. Mr. Lindsay stated that staff is planning on implementing Main Street before moving on to other areas. The Great Mall Parkway would serve as the next area to develop and other streets would be looked at in the future. Commissioner Sandhu asked if there are any plans for bicycle stands on Main given that the bike lanes will be moved to Abel. Mr. Lindsay noted that there would be bike racks on Main. Moving the bike lane was a trade off for having parking on Main. Commissioner Sandhu wanted to make sure that bicycles will not be prohibited on Main. Mr. Lindsay noted that bicycles would be allowed on Main and there will be wider sidewalks.

**Commissioner Mohsin** noted that most of her questions had been answered and thanked staff and the consultant for their detailed report. She is concerned that the area remain “bicycle friendly” and asked about the number of bike stands. Mr. Tung noted that bike stands will be place every 90 feet. Mr. Lindsay stated that the plans is increasing the number bicycle amenities from what is currently present. Mr. Tung noted that in most cases bicyclists may lock bikes to other areas and recreational cyclists will most likely walk bikes on sidewalks and can take Able Street to cut over to Main Street. Additional racks can be placed on Main Street if demand rises.

**Mr. George Donovan**, Serra Shopping Center, 200 Serra Way, had sent a letter to each commissioner and noted that several of them had not seen the letter before the meeting. The letter addresses his concerns about the plan. Although he was in attendance, he did not comment on all of the items at that meeting. He thinks the gateway concept is good, however, he does not like any of the designs and has not adequate time to respond effectively. There are a number of questions that remain unanswered for him and other property owners. He asked about the number of letters that staff had received. Mr. Lindsay noted that there were four letters including the one from Mr. Donovan. Mr. Donovan noted that he met with Mr. Lindsay, and Greg Armendariz, the Assistant City Engineer. Also, he stated that he had to retain a traffic engineer who was present at the meeting as well. He noted that staff has said they will respond to his questions. He referred to the project as a rocket and stated that if the Commission recommends the plan tonight and launches the rocket, it will then be difficult to stop it after takeoff.

He asked the Commission to take the time to understand the detail of what is being presented. His letter notes problems with the Able Street plan and the need to obtain more information. He stated that the street designs and traffic patterns for the future must be related to the Midtown Plan EIR. He noted that beautiful streetscapes may be created, but this could also create bumper-to-bumper traffic. He noted that this is a great vision, but needs to know that his will truly work. He noted that traffic is growing as the area expands and does not want to see low lying ground cover instead of trees. He is concerned that a yes vote this evening would result in a plan that does not address the issues of access to Serra Shopping Center and that the City would not address the access problems in the future. Also, the dedication of the land to the city that is now Able Street was made by his family in the 1960s and they paid for the street improvements and the access was established at that time to Serra Shopping Center. He noted that he was giving the Commission a sense of history by introducing his mother, Margaret Able Donovan, who was present with him. He noted that forcing people to make a U Turn to access the shopping center is unacceptable. These decisions must be grounded in factual traffic numbers.

**Bob Olinger** spoke as an owner of property on Main Street for 30 years and representing a minimum of 12 property owners in the core of the area. He stated that he concurs completely with Mr. Donovan. He noted the desire for everyone to know what is happening with the plans and he realizes the need to move forward, however, they need to know the details. He thinks the plans would be detrimental to Able Street. He noted that he just found out this his letter was not received by the Commission. He has objections to the library project as there is already a library in town and the city is making this a number one priority. He stated that Able and Main needs to be the number one priority. He stated that need to do something for the business people and they do not want to lose tenants. When tenants moved from Main Street to Town Center, they did not succeed. He sold a dozen properties in that strip, 40 down Main St. Mr. Lindsay stated that staff did not receive a letter from Mr. Olinger, perhaps it came in the Commissioner's personal mail.

**Robert Yen**, 670 Los Pinos, represents 17 tenants at Able. He stated that he did not receive notice to attend the community meeting and that his tenants would be interested in hearing details. He stated that this is a good plan, but they need to proceed cautiously. He noted the very heavy traffic on Main Street during the commute and that if they lanes are too narrow lanes, traffic will be stopped. He stated that the plan is a one-dimensional structure, as opposed to Palo Alto, which he believes is two-dimensional. Decorative lighting and large trees creates a safety concern. He requested to have his name added to the mailing list for future notifications.

**Wanda Olinger**, 89 South Main Street noted stated that the first time anyone from public saw the plan was at the meeting last Wednesday. She noted that there was considerable discussion and she is concerned that only a week has passed and now the item is before the Commission for approval. She stated that other issues, including traffic problems need to be addressed before this moves forward. She is concerned that the city is moving forward with a new Library when one already exists. She is also concerned about the construction work to underground the utilities and how this would negatively impact businesses. She stated that the issue needs to be tabled for further study and more due diligence.

Chair Lalwani noted that a notification about this item was placed in the Milpitas Post. Mr. Lindsay also stated that staff gave notices to the business and property owners with the intention of having the meeting last week as a focus group. The notice was mailed to all addressees on record.

**Frank DeSchmidt**, has an office at 16 Corning, noted that he circulates throughout the Main Street area on a regular basis. He spoke about the concept of center medians and left turns only at intersections. He asked if there had been studies to determine if an average automobile can actually make a U turn and if larger vehicles could make U turns for access purposes or if they have to travel further in order to make the turn.

Vice Chair Garcia also had questions about U turns and access into Serra Shopping Center. He noted that there would be a median on Serra that would prevent turning northbound into Serra Shopping Center and his concern about access for the center. He also asked if there any traffic studies. Mr. Lindsay noted that staff conducted field tests and measurements for U-turns. Staff concluded that U turns are possible, and the capacity for U turns is not significantly impacted. Mr. Lindsay noted that the median on Serra is limited, the exact dimensions are still subject to change. There is currently an island at Serra and Calaveras. He noted that with the landscape median that is conceptually being considered, the access to Serra Center would not be significantly impacted. The Serra Center has access from Serra, Calaveras, Junipero, and Able Street. The access points along Serra, Junipero and Calaveras would still be available for the Center. Staff has committed to looking closely at the median that would prevent a left turn. When there were longer stretches of medians, staff has proposed median breaks into businesses, but when the medians are short landscaping was maximized which would preclude breaks. He noted that these are all subject to further refinement. Vice Chair Garcia noted that the only fault he sees is access to Abel Square and Serra Center. He stated that it makes sense to keep the break in the median and he would strongly recommend this to the City Council.

Chair Lalwani closed the public hearing.

Commissioner Mohsin noted her concern regarding U turn areas as she has seen problems at N. Milpitas Blvd. and Dixon Landing when vehicles make U Turns to access Walgreens. She asked about the traffic studies. Mr. Lindsay noted that



there have been field studies and measurements and staff is certain that U turns are possible on Able Street. He noted that in reviewing the possibility of having landscape medians, one tool used was the city's accident history map. Staff was surprised to discover that in areas with landscape medians, traffic accidents are reduced. Even with the perception that a U turn is inconvenient, it is actually safer in many areas.

Mr. Donovan noted that in his recent meeting with Mr. Lindsay, the City's traffic engineer said that if the existing left turn access into Serra Center was eliminated, it would possibly create a major problem with trucks that would then need to go make a U turn. There may be studies that have been completed regarding autos, however the traffic engineer mentioned the need to look at what will happen with trucks. If there is data about traffic accidents along Able Street, he would like to review this data and suggested that the Commission should review this before moving forward. In his letter, he mentioned that that Midtown Plan does have a provision for a change of use for the project in the future. In looking at the current plan, they should consider that a possible future use could be high-density office space.

Commissioner Mohsin asked if a study was conducted regarding parallel parking. Mr. Lindsay stated that 99% of Main St. will not have a median at all. There will be a short median near Curtis and Weller. Traffic and civil engineering studies show that this can be very successful and have been supportive.

Commissioner Giordano stated the Commission has gone through a significant amount of material over the course of the meeting and several issues have been raised. She noted that more questions have come up and we have received additional public input. She is not certain that the Commission is under any time constraints to have this move forward immediately. She noted that the commissioners have at least four letters that they have not had a chance to review. She was unable to attend the community meeting. She suggested moving this item to a future meeting for approval in order to have more time to review the issues before making a recommendation. She also requested a copy of the notes from the community meeting of August 18<sup>th</sup>, as well as staff's comments in response to their concerns. She also requested information about the traffic concerns. She requested staff's response to the letters received by the Commission. She also noted that a property owner who spoke this evening who was not notified of the meeting and others may come forward who were previously unaware of the plans.

Chair Lalwani stated that staff has some additional input before going further.

Greg Armendariz, Assistant City Engineer, stated that staff is very excited about this Midtown Plan. He stated their commitment to work with business owners. He noted that the purpose of the community meeting last week was to begin a dialogue and obtain comments from the public. He met with Mr. Donovan earlier in the week and obtained information regarding traffic patterns. He is having the City's traffic engineer gather more information after school begins. Also, a follow up meeting is scheduled with Mr. Donovan for September 28<sup>th</sup>. He stated that the medians should improve traffic flow and the City has had success with similar medians on Park Victoria at Landess where there used to be more traffic congestion and accidents. Although there are minor U turn issues, this was a bigger problem before the medians were there. He stated his reassurance of staff's intent and commitment to work with the community. He anticipates continued dialogue and will keep everyone informed, particularly when the construction phase begins. He noted that staff does not want to lose a single business due to construction issues and will look at successful ways to deal with this issue, and will put special requirements into the construction contracts.

Commissioner Mohsin added that she would like the area to see a traffic report and additional data.

Commissioner Giordano suggested reviewing this item again at the meeting on September 22, 2004.

Mr. Lindsay stated that Mr. Armendariz had mentioned that staff will be meeting with Mr. Donovan on September 28<sup>th</sup>, and that is the earliest that staff could deliver a response on that section of Able between Junipero and Serra. Currently this is the only area brought up as a concern because of the businesses on either side of Able. This is the area that staff has been studying. At the request of the businesses, staff will conduct further traffic studies in this area. This is the only additional traffic studies that staff will be conducting until there is more dialogue with businesses. The studies will not be complete by the September 22<sup>nd</sup> Commission meeting.

Commissioner Giordano was not aware of the studies being conducted for the meeting on September 28<sup>th</sup> and she suggested reviewing the item during the first Commission meeting following September 28<sup>th</sup>. Mr. Lindsay stated that this is not a public hearing so they do not have to continue to a certain date. These issues are typical responses when dealing with this type of plan. Through this project staff will be in constant contact with the public. This is the beginning of the project and staff is looking for general direction from the Commission.

Commissioner Sandhu stated that most residents are waiting for this plan to be implemented. He stated that he would make a motion, if acceptable, to move the item forward to City Council with a recommendation that there should be left turn access to Serra Center and Able Plaza.

Commissioner Giordano stated that they should review the issues that transpired at the community meeting first before making a recommendation to City Council.

Commissioner Galang stated that the Commission needs more information about traffic issues before making a recommendation to the City Council. He is concerned about the loss of left turn access to Serra Center and asked staff to hold another meeting for business and property owners.

**Motion** to reagendize the Review Of Streetscape Plans for For Main and Able Streets to the first Planning Commission meeting following September 28, 2004.

M/S: Giordano/Galang

AYES: 4

NOES: 2 (Garcia, Sandhu)

## **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:34 p.m. to the next regular meeting of September 8, 2004.

Respectfully Submitted,

James Lindsay  
Acting Planning Manager

Holly Cuciz  
Recording Secretary